

### **REMARKS**

This responds to the Office Action, dated January 13, 2005, and the Examiner's Interview Summary, dated May 20, 2005. Claims 114-138 were acted on by the Examiner. Claims 114, and 117 to 138 have been amended. Claims 115 and 116 have been canceled without prejudice. Claims 139 to 144 have been added. Accordingly, claims 114, and 117 to 144 are presented for examination.

#### **Summary of the Examiner's Action**

##### **Claim Rejections**

Claims 114, and 117 to 138 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 114, and 117 to 138 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 10 to 14, 18, 35 to 37, and 41 under 35 U.S.C. §102(b) as being anticipated by von Suggern et al. (J. Virol. 2000; 74:354-62).

Applicants respectfully traverse the Examiner's rejections.

#### **Discussion**

##### **Amendments to the Claims**

Applicant amended claim 114 to include the recitation of claim 115. Accordingly, claim 114 is directed to a retro-inverted peptide comprising an amino acid sequence selected from the group consisting of ZElan144 (SEQ ID NO:1), ZElan 145 (SEQ ID NO:2), and ZElan 146 (SEQ ID NO:3).

Applicant amended claims 121 and 126 to recite the specific disease states of hypertension, diabetes, osteoporosis, hemophilia, anemia, cancer, migraine, and angina pectoris. Support for this claim is found on page 9, lines 25 to 27.

Applicant amended claims 117 to 138 to clarify the dependency of these claims. Support for new claims 139 to 144 is found on page 7, line 22, to page 9, line 27.

Discussion of the Section 112 Rejections

(A) Section 112, first paragraph, (written description)

Claims 114, and 117 to 138 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner has rejected claims 114, and 117 to 138 for not defining the structure or properties of the claimed peptide.

Claim 114, from which all of the other pending claims depend (directly or indirectly), has been amended to be directed to a retro-inverted peptide comprising an amino acid sequence selected from the group consisting of ZElan144 (SEQ ID NO:1), ZElan 145 (SEQ ID NO:2), and ZElan 146 (SEQ ID NO:3). As a consequence of this amendment, applicants submit that the structure of the presently claimed peptides has been defined.

In addition, the Examiner has rejected claims 121 and 126, which are directed to compositions comprising an active agent, wherein the active agent is of value in the treatment of a mammalian disease or disorder. The Examiner has asserted that the specification does not demonstrate the claimed composition in a medicament to treat any disease or disorder.

Applicant respectfully traverses this assertion.

Page 7, line 22, to page 9, line 27, provides an explanation of what constitutes an active agent and lists many examples of active agents and the disease states the agents are useful for treating. Clearly, this passage of the application would serve notice to the skilled artisan that applicants were in possession of active agents. In addition, the specification explicitly lists the disease states for which the listed active agents are useful for treating. Furthermore, claims 121 and 126 have been amended to recite the specific disease states of hypertension, diabetes, osteoporosis, hemophilia, anemia, cancer, migraine, and angina pectoris. Thus, the diseases to be treated are found within the claims and the active agents are readily identifiable from the specification. Accordingly, if the Examiner chooses to maintain this rejection, applicant respectfully requests that the Examiner explain why the skilled artisan would not understand that applicant was in possession of the claimed active agents.

Accordingly, applicants respectfully request that the rejection of claims 114, and 117 to 138 under 35 U.S.C. §112, first paragraph (written description), be withdrawn.

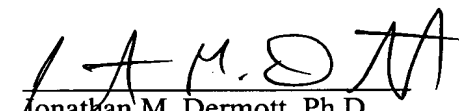
(B) Section 112, first paragraph (enablement)

Claims 114, and 117 to 138 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has asserted that specification is not enabling for fragments of the claimed peptides. Claim 114, from which all the pending claims depend, has been amended to be directed to a retro-inverted peptide comprising an amino acid sequence selected from the group consisting of ZElan144 (SEQ ID NO:1), ZElan 145 (SEQ ID NO:2), and ZElan 146 (SEQ ID NO:3). Accordingly, the Examiner's rejection is moot.

In addition, the Examiner has asserted that the specification is not enabled for any treatment of any mammalian disease state. Claims 121 and 126 have been amended to recite the specific disease states of hypertension, diabetes, osteoporosis, hemophilia, anemia, cancer, migraine, and angina pectoris. Thus, the diseases to be treated are found within the claims and, as noted above, the active agents are readily identifiable from the specification.

Applicants submit that the claims as amended define allowable subject matter, and a prompt and favorable action is solicited respectfully.

Respectfully submitted,

  
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